

IPR FILE INDEX

Applicant : US Methanol LLC
Facility : Liberty One Methanol Plant

Plant ID No.: 039-00669
R13-3351

Chronological Order - Add Index Pages As Necessary

Date	To	From	Subject	# of pages
11/28/16	USM	Sandra Adkins	48-Hour Letter	
12/05/16	Joe Kessler	USM	Affidavit of Publication	
12/21/16	USM	Joe Kessler	Completeness Determination	
2/01/17	File	Joe Kessler	DAQ/USM E-mails	
2/01/17	File	Joe Kessler	Draft Permit R13-3351, Evaluation/Fact Sheet, Tracking Manifest	
2/09/17	Various	Sandra Adkins	Public Notice Documents	

JRK
2/09/17

AIR QUALITY PERMIT NOTICE

Notice of Intent to Approve

On December 19, 2017, ECC Windsor Inc. applied to the WV Department of Environmental Protection, Division of Air Quality (DAQ) for a permit to construct a coal mine-methane flare approximately 3.00 miles north-northeast of Cameron, Marshall County, WV just south of Burley Hill Road at latitude 39.86466 and longitude -80.53857. A preliminary evaluation has determined that all State and Federal air quality requirements will be met by the proposed facility. The DAQ is providing notice to the public of its preliminary determination to issue the permit as R13-3353.

The following potential emissions will be authorized by this permit action: Oxides of Nitrogen, 11.97 Tons per year (TPY); Carbon Monoxide, 15.96 TPY; Volatile Organic Compounds, 0.43 TPY.

Written comments or requests for a public meeting must be received by the DAQ before 5:00 p.m. on XXXXX. A public meeting may be held if the Director of the DAQ determines that significant public interest has been expressed, in writing, or when the Director deems it appropriate.

The purpose of the DAQ's permitting process is to make a preliminary determination if the proposed construction will meet all State and Federal air quality requirements. The purpose of the public review process is to accept public comments on air quality issues relevant to this determination. Only written comments received at the address noted below within the specified time frame, or comments presented orally at a scheduled public meeting, will be considered prior to final action on the permit. All such comments will become part of the public record.

Joe Kessler, PE
WV Department of Environmental Protection
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304
Telephone: 304/926-0499, ext. 1219
FAX: 304/926-0478

Entire Document
NON-CONFIDENTIAL

Additional information, including copies of the draft permit, application and all other supporting materials relevant to the permit decision may be obtained by contacting the engineer listed above. The draft permit and engineering evaluation can be downloaded at:

www.dep.wv.gov/daq/Pages/NSRPermitsforReview.aspx

Kessler, Joseph R

From: Adkins, Sandra K
Sent: Thursday, February 9, 2017 3:09 PM
To: 'wentworth.paul@epa.gov'; 'bradley.megan@epa.gov';
santosh.lakhan@envcomcorp.com
Cc: Durham, William F; McKeone, Beverly D; McCumbers, Carrie; Hammonds, Stephanie E;
Kessler, Joseph R; Rice, Jennifer L; Taylor, Danielle R; Seevers, Sharon M
Subject: WV Draft Permit R13-3353 for ECC Windsor Inc.; Bailey Mine Gas Flaring Project
Attachments: 3353.pdf; Eval3353.pdf; notice.pdf

Please find attached the Draft Permit R13-3353, Engineering Evaluation, and Public Notice for ECC Windsor Inc.'s Bailey Mine Gas Flaring Project located in Marshall County.

The notice will be published in the *Wheeling News Register* on Friday, February 10, 2017, and the thirty day comment period will end on Monday, March 13, 2017.

Should you have any questions or comments, please contact the permit writer, Joe Kessler, at 304 926-0499 x1219.

Kessler, Joseph R

From: Adkins, Sandra K
Sent: Thursday, February 9, 2017 3:08 PM
To: Glance, Jacob P
Cc: Kessler, Joseph R
Subject: DAQ Public Notice

Please see below the Public Notice for Draft Permit R13-3353 for ECC Windsor Inc.'s Bailey Mine Gas Flaring Project located in Ohio County.

The notice will be published in the *Wheeling News Register* on Friday, February 10, 2017, and the thirty day public comment period will end on Monday, March 13, 2017.

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www.dep.wv.gov/daq/Pages/NSRPermitsforReview.aspx

Kessler, Joseph R

From: Adkins, Sandra K
Sent: Monday, February 6, 2017 3:12 PM
To: legalads@theintelligencer.net
Cc: Kessler, Joseph R
Subject: Publication of Class I Legal Ad for the WV Division of Air Quality

Please publish the information below as a Class I legal advertisement (one time only) in the Friday, February 10, 2017, issue of the *Wheeling News Register*. Please let me know that this has been received and will be published as requested. Thank you.

Send the invoice for payment and affidavit of publication to:

Sandra Adkins

**WV Department of Environmental Protection
DIVISION OF AIR QUALITY**

601- 57th Street

Charleston, WV 25304

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Charleston, WV 25304
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FAX: 304/926-0478

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www.dep.wv.gov/daq/Pages/NSRPermitsforReview.aspx

Kessler, Joseph R

From: Adkins, Sandra K
Sent: Tuesday, February 7, 2017 10:04 AM
To: legalads@theintelligencer.net
Cc: Kessler, Joseph R
Subject: FW: Classified Ad Proof - Ad# 236195
Attachments: AD-236195.pdf

Thank you!!

Your Classified Ad proof is attached

Hi Sandra,
Here is a proof of the legal ad that will run in the News Register only on Feb. 10th.

Please let me know if you have any changes or corrections.

Thank you,
Sharon

West Virginia Department of Environmental Protection

Division of Air Quality

*Jim Justice
Governor*

*Austin Caperton
Cabinet Secretary*

Permit to Construct



Entire Document
NON-CONFIDENTIAL

R13-3353

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:

ECC Windsor Inc.

Bailey Mine Gas Flaring Project

051-00238

DRAFT

*William F. Durham
Director*

*Issued: **DRAFT***

Facility Location: Burley Hill Road, near Cameron, Marshall County, West Virginia
Mailing Address: 3305 Decatur Avenue, Kensington, MD 20895
Facility Description: Coal Mine Methane Enclosed Flare
SIC/NAICS Code: 1241/213113
UTM Coordinates: 539.465 km Easting • 4,412.838 km Northing • Zone 17
Latitude/Longitude: 39.86466/-80.53857
Permit Type: Construction
Description: Construction of a pressure-assisted John Zink ZTOF 1,000 ft³/minute (scfm) coal mine-methane utility enclosed flare at Consol Energy's Bailey Mine.

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

The source is not subject to 45CSR30.

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1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
1S	1E	John Zink ZTOF Enclosed Flare	2016	1,000 scfm	n/a

2.0. General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments	NO_x	Nitrogen Oxides
CBI	Confidential Business Information	NSPS	New Source Performance Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM_{2.5}	Particulate Matter less than 2.5µm in diameter
C.F.R. or CFR	Code of Federal Regulations	PM₁₀	Particulate Matter less than 10µm in diameter
CO	Carbon Monoxide	Ppb	Pounds per Batch
C.S.R. or CSR	Codes of State Rules	pph	Pounds per Hour
DAQ	Division of Air Quality	ppm	Parts per Million
DEP	Department of Environmental Protection	Ppmv or ppmv	Parts per million by volume
dscm	Dry Standard Cubic Meter	PSD	Prevention of Significant Deterioration
FOIA	Freedom of Information Act	psi	Pounds per Square Inch
HAP	Hazardous Air Pollutant	SIC	Standard Industrial Classification
HON	Hazardous Organic NESHAP	SIP	State Implementation Plan
HP	Horsepower	SO₂	Sulfur Dioxide
lbs/hr	Pounds per Hour	TAP	Toxic Air Pollutant
LDAR	Leak Detection and Repair	TPY	Tons per Year
M	Thousand	TRS	Total Reduced Sulfur
MACT	Maximum Achievable Control Technology	TSP	Total Suspended Particulate
MDHI	Maximum Design Heat Input	USEPA	United States Environmental Protection Agency
MM	Million	UTM	Universal Transverse Mercator
MMBtu/hr or mmbtu/hr	Million British Thermal Units per Hour	VEE	Visual Emissions Evaluation
MMCF/hr or mmcf/hr	Million Cubic Feet per Hour	VOC	Volatile Organic Compounds
NA	Not Applicable	VOL	Volatile Organic Liquids
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		

2.3. Authority

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation.*

2.4. Term and Renewal

- 2.4.1. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

2.5. Duty to Comply

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-3353 and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;
[45CSR§§13-5.11 and 13-10.3]
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

2.7. Duty to Supplement and Correct Information

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-4]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-5.4.]

2.10. Major Permit Modification

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§13-5.1]

2.11. Inspection and Entry

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

2.12. Emergency

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission

limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and,
 - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

2.15. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.
[45CSR§13-10.1]

2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Credible Evidence

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.
[45CSR§11-5.2.]

3.2. Monitoring Requirements

- 3.2.1. **Emission Limit Averaging Time.** Unless otherwise specified, compliance with all annual limits shall be based on a rolling twelve month total. A rolling twelve month total shall be the sum of the measured parameter of the previous twelve calendar months. Compliance with all hourly emission limits shall be based on the applicable NAAQS averaging times or, where applicable, as given in any approved performance test method.

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
 - b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
 - c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
 - d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

1. The permit or rule evaluated, with the citation number and language;
2. The result of the test for each permit or rule condition; and,
3. A statement of compliance or noncompliance with each permit or rule condition.

[WV Code § 22-5-4(a)(14-15) and 45CSR13]

3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§4. *State-Enforceable only.*]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate (however, in lieu of regular mail reports may be sent to the following e-mail account: DEPAirQualityReports@wv.gov):

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304-2345

If to the USEPA:

Associate Director
Office of Air Enforcement and Compliance Assistance
(3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. Operating Fee.

- 3.5.4.1. In accordance with 45CSR22 – Air Quality Management Fee Program, the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first obtaining and having in current effect a Certificate to Operate (CTO). Such Certificate to Operate (CTO) shall be renewed annually, shall be maintained on the premises for which the certificate has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- 3.5.4.2. In accordance with 45CSR22 – Air Quality Management Fee Program, enclosed with this permit is an Application for Certificate to Operate (CTO). The CTO will cover the time period beginning with the date of initial startup through the following June 30. Said application and the appropriate fee shall be submitted to this office prior to the date of initial startup. For any startup date other than July 1, the permittee shall pay a fee or prorated fee in accordance with Section 4.5 of 45CSR22. A copy of this schedule may be found on the reverse side of the CTO application.
- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

4.1.1. Only those emission units/sources as identified in Table 1.0, with the exception of any *de minimis* sources as identified under Table 45-13B of 45CSR13, are authorized at the permitted facility by this permit. In accordance with the information filed in Permit Application R13-3285, the emission units/sources identified under Table 1.0 of this permit shall be installed, maintained, and operated so as to minimize any fugitive escape of pollutants, shall not exceed the listed maximum design capacities, shall use the specified control devices, and comply with any other information provided under Table 1.0.

4.1.2. Flare

The enclosed flare, identified as 1S, shall operate according to the following requirements:

- a. The flare shall be a enclosed non-assisted John Zink ZTOF with a maximum capacity not to exceed 1,000 scfm and the flare shall not combust in excess of 157.69 mmft³/yr of vapors;
- b. The flare shall be operated with a flame present at all times while in operation, as determined by the methods specified in 4.2.1;
- c. The flare shall be operated at all times when coal mine-methane is vented to it;
- d. To ensure compliance with 4.1.2(c) above, the permittee shall monitor in accordance with 4.2.6(d).
- e. The permittee shall meet the general control device and work practice requirements as given under 40 CFR 60, Section §60.18;
- f. The maximum combustion exhaust emissions from the flare shall not exceed the limits given in the following table;

Table 4.1.2(f): Flare Combustion Exhaust Emission Limits

Pollutant	PPH	TPY
CO	3.64	15.96
NO _x	2.73	11.97
VOCs	0.10	0.43

g. **45CSR6**

The flare is subject to 45CSR6. The requirements of 45CSR6 include but are not limited to the following:

- (1) The permittee shall not cause, suffer, allow or permit particulate matter to be discharged from the flare into the open air in excess of the quantity determined by use of the following formula:

$$\text{Emissions (lb/hr)} = F \times \text{Incinerator Capacity (tons/hr)}$$

Where, the factor, F, is as indicated in Table I below:

Table I: Factor, F, for Determining Maximum Allowable Particulate Emissions

<u>Incinerator Capacity</u>	<u>Factor F</u>
A. Less than 15,000 lbs/hr	5.43
B. 15,000 lbs/hr or greater	2.72

[45CSR§6-4.1]

- (2) No person shall cause, suffer, allow or permit emission of smoke into the atmosphere from any incinerator which is twenty (20%) percent opacity or greater.
[45CSR6 §4.3]
- (3) The provisions of paragraph (i) shall not apply to smoke which is less than forty (40%) percent opacity, for a period or periods aggregating no more than eight (8) minutes per start-up.
[45CSR6 §4.4]
- (4) No person shall cause or allow the emission of particles of unburned or partially burned refuse or ash from any incinerator which are large enough to be individually distinguished in the open air.
[45CSR6 §4.5]
- (5) Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.
[45CSR6 §4.6]
- (6) Due to unavoidable malfunction of equipment, emissions exceeding those provided for in this rule may be permitted by the Director for periods not to exceed five (5) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the malfunction. In cases of major equipment failure, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.
[45CSR6 §8.2]

4.2. Monitoring, Compliance Demonstration, Recording and Reporting Requirements

4.2.1. Flare

The permittee shall meet the following Monitoring, Compliance Demonstration, Recording and Reporting Requirements for the flare:

- a. To demonstrate compliance with 4.1.2(a), the permittee shall install instrumentation to monitor and record, at a minimum of fifteen (15) minute intervals, the flow of vapors sent to the flare;
- b. To demonstrate compliance with the flame requirements of 4.1.2(b), the presence of a flame (either pilot or main flame) shall be continuously monitored by thermocouples or any other equivalent device to detect the presence of a flame when emissions are vented to it. The flare shall be equipped such that it closes the fuel shutdown valve and ceases venting to the atmosphere and sends an alarm notification if flame is not present;

- c. For any absence of flame, or other indication of smoking or improper equipment operation, you must ensure the equipment is returned to proper operation as soon as practicable after the event occurs. At a minimum, you must: (1) Check the air vent for obstruction. If an obstruction is observed, you must clear the obstruction as soon as practicable. (2) Check for liquid reaching the combustor;
- d. For the purpose of demonstrating compliance with the continuous flame requirements in 4.1.2(b), the permittee shall maintain records of the times and duration of all periods when the flame was not present and vapors were vented to the device: If the permittee is demonstrating compliance to 4.2.1(c) with visual inspections, the permittee shall maintain records of the inspections; and
- e. Any time the flare is not operating when emissions are vented to it, shall be reported in writing to the Director of the DAQ as soon as practicable, but within ten (10) calendar days of the discovery.

4.3. Testing Requirements

4.3.1. Flare

The permittee shall meet the following Performance Testing Requirements for the flare:

- a. To demonstrate compliance with the visible emissions requirements of 4.1.2(g), the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for each flare.
 - (1) The visible emission check shall determine the presence or absence of visible emissions. The observations shall be conducted according to Section 11 of EPA Method 22. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course. The observation period shall be:
 - (i) a minimum of two (2) hours at initial commissioning;
 - (ii) a minimum of two (2) hours during periods of annual testing; and
 - (iii) a minimum of 15 minutes each time the flare is *manually* started.
 - (2) The visible emission check shall be conducted initially within 180 days of start-up and thereafter at a minimum of at least once per each period of 12 months. Additionally, a visible emission check shall be conducted each time the flare is manually started.

4.4. Recordkeeping Requirements

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
 - a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;

- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

- a. The equipment involved.
- b. Steps taken to minimize emissions during the event.
- c. The duration of the event.
- d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
- f. Steps taken to correct the malfunction.
- g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

4.4.4. For the purpose of demonstrating compliance with the visible emissions and opacity requirements, the permittee shall maintain records of the visible emission opacity tests and checks. The permittee shall maintain records of all monitoring data required by 4.3.4(a) documenting the date and time of each visible emission check, the emission point or equipment/ source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6-10 mph NE wind) during the visual emission check(s). Should a visible emission observation be required to be performed per the requirements specified in Method 9, the data records of each observation shall be maintained per the requirements of Method 9. For an emission unit out of service during the evaluation, the record of observation may note "out of service" (O/S) or equivalent.

4.5. Reporting Requirements

4.5.1. Any deviation of the allowable visible emission requirement for any emission source discovered during observation using 40CFR Part 60, Appendix A, Method 9 per 4.3.4(a)(3) must be reported in writing to the Director of the DAQ as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature¹

(please use blue ink)

Responsible Official or Authorized Representative

Date

Name and Title

(please print or type)

Name

Title

Telephone No. _____

Fax No. _____

¹ This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (I) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
 - (ii) the delegation of authority to such representative is approved in advance by the Director;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.



west virginia department of environmental protection

Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone (304) 926-0475 • FAX: (304) 926-0479

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.dep.wv.gov

ENGINEERING EVALUATION / FACT SHEET

BACKGROUND INFORMATION

Application No.:	R13-3353
Plant ID No.:	051-00238
Applicant:	ECC Windsor Inc.
Facility Name:	Bailey Mine Gas Flaring Project
Location:	Marshall County
SIC/NAICS Code:	1241/213113
Application Type:	Construction
Received Date:	December 19, 2016
Engineer Assigned:	Joe Kessler
Fee Amount:	\$1,000
Date Received:	December 22, 2016
Complete Date:	January 18, 2017
Due Date:	April 17, 2017
Applicant Ad Date:	December 9, 2016
Newspaper:	<i>Wheeling News Register</i>
UTM's:	539.465 km Easting • 4,412.838 km Northing • Zone 17
Latitude/Longitude:	39.86466/-80.53857
Description:	Construction of a pressure-assisted John Zink ZTOF 1,000 ft ³ /minute (scfm) coal mine-methane utility enclosed flare at Consol Energy's Bailey Mine.

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DESCRIPTION OF PROCESS

ECC Windsor Inc. (ECCW) has submitted a permit application for the construction of a pressure-assisted John Zink ZTOF 1,000 scfm coal mine-methane utility enclosed flare to be located approximately 3.00 miles north-northeast of Cameron, Marshall County, WV just south of Burley Hill Road. Methane gas will be provided to the enclosed flare from Consol Energy's active Bailey Mine. The enclosed flare will utilize a 0.057 mmBtu/hr pilot light and will be designed to operate 8,760 hours per year. ECCW plans to sell carbon credits (gained by destroying methane, designated as a greenhouse gas) generated at the site into the California carbon trading market (as managed by the California Air Resources Board).

As noted above, the flare will be enclosed to promote complete combustion of the methane (the enclosed flare will also mitigate any light pollution from the unit). ECCW conservatively estimates a minimum 98% methane destruction and removal efficiency (DRE). However, it is expected that the unit will achieve a higher DRE in practice. The unit will utilize an automatic re-ignition sequence upon loss of flame (as detected using an ultra-violet monitor) while vapors are being vented to it. Upon loss of flame, the main valve will close, isolating the flow of waste mine gas to the main burner. The pilot valve will also close to completely isolate the flow of gas to the combustion chamber. If the appropriate “start” conditions are detected, the start sequence will re-initiate by first opening the pilot valve and re-lighting the pilot burner, then slowly opening the main valve to re-establish the main burner flame.

The life-span of the flaring operation at this site will depend on the methane concentrations provided to the flare from a sealed off portion of an area behind on-going longwall mining operations. ECCW expects other, similar, projects to be applied for in the area in the future based on the nature and speed of the mining operations. It is possible that ECCW will wish to relocate this unit in the future.

SITE INSPECTION

On January 31, 2017, the writer conducted an inspection of the proposed location of the Bailey Mine Gas Flaring Project. The proposed site is located in a rural area of Marshall County approximately 3.00 miles north-northeast of Cameron, Marshall County, WV just south of Burley Hill Road (County Route 66). The writer was accompanied on the inspection by Mr. Santosh Lakhan, the President of ECCW and Mr. Scott Rasmussen of Consol. Observations from the inspection include:

- The proposed facility will be in a very rural area approximately 3.00 miles north-northeast of Cameron, WV just south of Burley Hill Road (County Route 66). The area is hilly and rural in nature with scattered homes and farms within the vicinity of the proposed location. Cameron High School is located approximately 1.5 miles southwest of the proposed site;
- At the time of the inspection, a drilled bore-hole was located on the site but no other equipment was seen;
- The occupied dwelling located nearest to the proposed site is approximately 250 yards north of the proposed flare along the north side of the Burley Hill Road. Another house was located at the base of the access road, but was abandoned and was now sitting on Consol property. A house that was located at the proposed site of the flare was purchased by Consol and torn down.

The following is a picture of the proposed site of the Bailey Mine Gas Flaring Project:



Directions: [Latitude: 39.86466, Longitude: -80.53857] From the junction of WV State Route (SR) 2 and US 250, take US 250 South (Waynesburg Pike) for approximately 16.3 miles and turn left onto WV SR 189 East for approximately 1.7 miles. Then turn left onto Burley Hill Road (WV County Route 66) and proceed for approximately 0.8 miles until reaching the access road on the left. Note that Burley Hill Road splits from Buzzard Lane (WV County Route 66/1) and becomes gravel prior to reaching the access road.

AIR EMISSIONS AND CALCULATION METHODOLOGIES

ECCW included in Attachment N of the permit application an emission estimate for CO and NO_x from the proposed flaring of coal mine-methane gas. Emissions of CO and NO_x were based on a maximum expected gas flow rate of 18,000 ft³/hour and 157.68 mmft³/year (at 8,760 hours/year) with an average gas heat content of 1,012 Btu/ft³ (for a maximum design heat input of 18.22 mmBtu/hr). CO and NO_x emission factors were based on vendor data. ECCW did not provide an emission estimate for particulate matter, SO₂, or VOCs. As there are no significant sulfur compounds expected in the mine gas (and the emissions of SO₂ only occur as a result of sulfur compounds in the combusted gas), and the flare is designed to be smokeless, emissions of particulate matter and SO₂ are expected to be negligible. However, as there may be some trace amounts of

VOCs in the vented coal mine gas, emissions of VOCs were included and based on the emission factors provided for natural gas combustion as given in AP-42 Section 1.4. (AP-42 is a database of emission factors maintained by USEPA). Pilot light emissions were considered negligible. The following table details the calculated emissions from the proposed enclosed flare:

Table 1: John Zink ZTOF Enclosed Flare PTE

Pollutant	Emission Factor	Source	Hourly (lb/hr)	Annual (ton/yr)
CO	0.20 lb/mmBtu	Vendor Data	3.64	15.96
NO _x	0.15 lb/mmBtu	Vendor Data	2.73	11.97
VOCs	5.5 lb/mmft ³	AP-41, Table 1.4-2	0.10	0.43

REGULATORY APPLICABILITY

This section will address the potential regulatory applicability/non-applicability of substantive state and federal air quality rules relevant to the Dewhurst Dehydration Station.

45CSR6: To Prevent and Control Particulate Air Pollution from Combustion of Refuse

ECCW has proposed use of a enclosed flare for combusting coal mine methane to generate carbon credits. This enclosed flare will meet the definition of an “incinerator” under 45CSR6 and is, therefore, subject to the requirements therein. The substantive requirements applicable to the unit is discussed below.

45CSR6 Emission Standards for Incinerators - Section 4.1

Section 4.1 limits PM emissions from incinerators to a value determined by the following formula:

$$\text{Emissions (lb/hr)} = F \times \text{Incinerator Capacity (tons/hr)}$$

Where, the factor, F, is as indicated in Table I below:

Table I: Factor, F, for Determining Maximum Allowable Particulate Emissions

<u>Incinerator Capacity</u>	<u>Factor F</u>
A. Less than 15,000 lbs/hr	5.43
B. 15,000 lbs/hr or greater	2.72

Based on the maximum capacity of the proposed enclosed flare of 1,000 scfm (60,000 ft³/hour), and using the density of methane (0.0422 lb/scf), the capacity of the enclosed flare in lbs/hr would be approximately 2,532 lbs/hour (1.27 tons/hr). Using this value in the above equation produces a PM emission limit of 6.87 lb/hr. When operating correctly, there is expected to be only trace amounts of particulate matter from the enclosed flare and, therefore, the enclosed flare shall easily meet this limit.

45CSR6 Opacity Limits for - Section 4.3, 4.4

Pursuant to Section 4.3, and subject to the exemptions under 4.4, the enclosed flare has a 20% limit on opacity during operation. As a primary constituent in the vapors combusted in the unit shall be clean burning methane, particulate matter emissions from the unit is expected to be nominal. Therefore, the unit should easily meet this requirement.

45CSR13: Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation

The Big Bend Ridge Utility Enclosed flare has a maximum emission rate of a regulated pollutant in excess of six (6) lbs/hour and ten (10) TPY (see Table 1 above) and, therefore, pursuant to §45-13-2.24, the facility is defined as a “stationary source” under 45CSR13. Pursuant to §45-13-5.1, “[n]o person shall cause, suffer, allow or permit the construction . . . and operation of any stationary source to be commenced without . . . obtaining a permit to construct.” Therefore, ECCW is required to obtain a permit under 45CSR13 for the construction and operation of the Bailey Mine Gas Flaring Project.

As required under §45-13-8.3 (“Notice Level A”), ECCW placed a Class I legal advertisement in a “newspaper of *general circulation* in the area where the source is . . . located.” The ad ran on December 9, 2016 in the *Wheeling News Register* and the affidavit of publication for this legal advertisement was submitted on January 9, 2017.

45CSR14 (NON APPLICABILITY)

The facility-wide PTE of the Bailey Mine Gas Flaring Project (see Table 1 above) is far below the levels that would define the source as “major” under 45CSR14 and, therefore, the construction evaluated herein is not subject to the provisions of 45CSR14.

45CSR30: Requirements for Operating Permits - (NON APPLICABILITY)

45CSR30 provides for the establishment of a comprehensive air quality permitting system consistent with the requirements of Title V of the Clean Air Act. The facility does not meet the definition of a “major source under § 112 of the Clean Air Act” as outlined under §45-30-2.26 and clarified (fugitive policy) under 45CSR30b. Therefore, the Bailey Mine Gas Flaring Project is not subject to 45CSR30.

TOXICITY ANALYSIS OF NON-CRITERIA REGULATED POLLUTANTS

This section provides an analysis for those regulated pollutants that may be emitted from the Bailey Mine Gas Flaring Project and that are not classified as “criteria pollutants.” Criteria pollutants are defined as Carbon Monoxide (CO), Lead (Pb), Oxides of Nitrogen (NO_x), Ozone,

Fact Sheet R13-3353
ECC Windsor Inc.
Bailey Mine Gas Flaring Project

Particulate Matter (PM₁₀ and PM_{2.5}), and Sulfur Dioxide (SO₂). These pollutants have National Ambient Air Quality Standards (NAAQS) set for each that are designed to protect the public health and welfare. Other pollutants of concern, although designated as non-criteria and without national concentration standards, are regulated through various federal programs designed to limit their emissions and public exposure. These programs include federal source-specific Hazardous Air Pollutants (HAPs) limits promulgated under 40 CFR 61 (NESHAPS) and 40 CFR 63 (MACT). Any potential applicability to these programs were discussed above under REGULATORY APPLICABILITY.

The majority of non-criteria regulated pollutants fall under the definition of HAPs which, with some revision since, were 188 compounds identified under Section 112(b) of the Clean Air Act (CAA) as pollutants or groups of pollutants that EPA knows or suspects may cause cancer or other serious human health effects. The Bailey Mine Gas Flaring Project will not produce any substantive amount of non-criteria regulated pollutants.

AIR QUALITY IMPACT ANALYSIS

The proposed construction does not meet the definition of a “major stationary source” pursuant to 45CSR14 and, therefore, an air quality impact (computer modeling) analysis was not required. Additionally, based on the nature of the construction, modeling was not required under 45CSR13, Section 7.

MONITORING, COMPLIANCE DEMONSTRATIONS, RECORD-KEEPING, AND REPORTING REQUIREMENTS

The following substantive monitoring, compliance demonstration, reporting, and record-keeping requirements (MRR) shall be required:

- To demonstrate compliance with flow and heat input limits given under 4.1.2(a) of the draft permit, the permittee shall be required to install instrumentation to monitor and record, at a minimum of fifteen (15) minute intervals, the flow of vapors sent to the flare;
- Pilot flame compliance demonstration, monitoring and record-keeping is extensive and shall be required as given under 4.2.1(b) through (e) of the draft permit and may be reviewed there; and
- Recording and reporting for visible emissions testing shall be required as given under 4.4.4. and 4.5.1 of the draft permit and may be reviewed there.

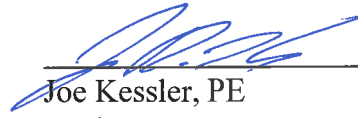
PERFORMANCE TESTING OF OPERATIONS

The following substantive performance testing requirements shall be required:

- Visible emissions testing to show compliance with 45CSR6 shall be required initially within 180 days of start-up and thereafter at a minimum of at least once per each period of 12 months. Additionally, a visible emission check shall be conducted each time the enclosed flare is manually started. Specific visible emissions testing requirements shall be as given under 4.3.1. of the draft permit and may be reviewed there.

RECOMMENDATION TO DIRECTOR

The information provided in permit application R13-3353 indicates that compliance with all applicable state and federal air quality regulations will be achieved. Therefore, I recommend to the Director the issuance of Permit Number R13-3353 to ECC Windsor Inc. for the construction and operation of the Bailey Mine Gas Flaring Project located near Cameron, Marshall County, WV.



Joe Kessler, PE
Engineer



Date

INTERNAL PERMITTING DOCUMENT TRACKING MANIFEST

Company Name ECC WINDSOR INC.

Permitting Action Number R13-3353 Total Days 44 DAQ Days 14

Permitting Action:

- | | | |
|---------------------------------------------|-----------------------------------------------|--------------------------------------|
| <input type="radio"/> Permit Determination | <input type="radio"/> Temporary | <input type="radio"/> Modification |
| <input type="radio"/> General Permit | <input type="radio"/> Relocation | <input type="radio"/> PSD (Rule 14) |
| <input type="radio"/> Administrative Update | <input checked="" type="radio"/> Construction | <input type="radio"/> NNSR (Rule 19) |

Documents Attached:

- | | |
|-------------------------------------------------------------------|--------------------------------------------------------------|
| <input checked="" type="checkbox"/> Engineering Evaluation/Memo | <input checked="" type="checkbox"/> Completed Database Sheet |
| <input checked="" type="checkbox"/> Draft Permit | <input type="checkbox"/> Withdrawal |
| <input checked="" type="checkbox"/> Notice | <input type="checkbox"/> Letter |
| <input type="checkbox"/> Denial | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Final Permit/General Permit Registration | _____ |

Date	From	To	Action Requested
2/01/17	Joe Kessler	Bev McKeone	NOTICE APPROVAL
2/6	Bev	Joe	Go to Notice

NOTE: Retain a copy of this manifest for your records when transmitting your document(s).

Kessler, Joseph R

From: Santosh Lakhan <santosh.lakhan@envcomcorp.com>
Sent: Friday, January 6, 2017 1:22 PM
To: Kessler, Joseph R
Cc: Ben Apple
Subject: FW: WV DAQ Permit Application Status for ECC Windsor Inc; Cameron
Attachments: Attachment P - Public Notice Affidavits.pdf

Hello Mr. Kessler,

I am attaching scans of the affidavits of the public notices placed in the Intelligencer and the Wheeling News Register. I am sending the originals to you by mail.

Best regards,

Santosh
202-701-8286

ID. No. 051-00238 Reg. 3353
Company ECCW
Facility BAILEY Region
Initials SL

From: Adkins, Sandra K [mailto:Sandra.K.Adkins@wv.gov]
Sent: Tuesday, December 20, 2016 5:18 PM
To: Santosh Lakhan <santosh.lakhan@envcomcorp.com>
Cc: McKeone, Beverly D <Beverly.D.Mckeone@wv.gov>; Kessler, Joseph R <Joseph.R.Kessler@wv.gov>
Subject: WV DAQ Permit Application Status for ECC Windsor Inc; Cameron

**RE: Application Status
ECC Windsor Inc
Cameron
Facility ID No. 051-00238
Application No. R13-3353**

Entire Document
NON-CONFIDENTIAL

Mr. Lakhan,

Your application for a construction permit for the Cameron location (Bailey Mine Gas Flaring Project) was received by this Division on December 19, 2016, and was assigned to Joe Kessler. The following item was not included in the initial application submittal:

Original affidavit for Class I legal advertisement not submitted.

Please use telephone extension 1250 in legal advertisements

This item is necessary for the assigned permit writer to continue the 30-day completeness review.

Within 30 days, you should receive a letter from Joe stating the status of the permit application and, if complete, given an estimated time frame for the agency's final action on the permit.

Any determination of completeness shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit decision.

Should you have any questions, please contact the assigned engineer, Joe Kessler, at 304-926-0499, extension 1219.

Kessler, Joseph R

From: Kessler, Joseph R
Sent: Wednesday, January 18, 2017 11:06 AM
To: 'Santosh Lakhan'
Subject: RE: R13-3353 Permit Application Status

OK, thanks. I will put it on my calendar and confirm the day before and we can figure out a place to meet.

Thanks

Joe Kessler

From: Santosh Lakhan [mailto:santosh.lakhan@envcomcorp.com]
Sent: Wednesday, January 18, 2017 11:04 AM
To: Kessler, Joseph R <Joseph.R.Kessler@wv.gov>
Subject: RE: R13-3353 Permit Application Status

1/31 works for CONSOL.

From: Kessler, Joseph R [mailto:Joseph.R.Kessler@wv.gov]
Sent: Wednesday, January 18, 2017 10:55 AM
To: Santosh Lakhan <santosh.lakhan@envcomcorp.com>
Subject: RE: R13-3353 Permit Application Status

Unfortunately, I will be traveling to Jefferson County on 1/26. How about 1/31 or 2/1 weather permitting?

From: Santosh Lakhan [mailto:santosh.lakhan@envcomcorp.com]
Sent: Wednesday, January 18, 2017 10:52 AM
To: Kessler, Joseph R <Joseph.R.Kessler@wv.gov>
Subject: RE: R13-3353 Permit Application Status

Hello Mr. Kessler,

I just checked with our key contact at CONSOL, Scott Rasmussen. He is unavailable on Tuesday because, believe it or not, he is in a meeting with the WV DEP regarding another matter. He is available on Thursday morning (1/26). Could this work for you?

Best regards,

Santosh

From: Kessler, Joseph R [mailto:Joseph.R.Kessler@wv.gov]
Sent: Wednesday, January 18, 2017 10:35 AM
To: Santosh Lakhan <santosh.lakhan@envcomcorp.com>
Subject: RE: R13-3353 Permit Application Status

Santosh, how does next Tuesday (1/24) look for a site inspection? The weather looks ok, rain couple days before, but at least not too cold and dry that day.

Thanks

Joe Kessler

From: Santosh Lakhan [<mailto:santosh.lakhan@envcomcorp.com>]
Sent: Wednesday, January 18, 2017 10:31 AM
To: Kessler, Joseph R <Joseph.R.Kessler@wv.gov>
Subject: RE: R13-3353 Permit Application Status

Hello Mr. Kessler,

Thank you for your email.

Best regards,

Santosh

From: Kessler, Joseph R [<mailto:Joseph.R.Kessler@wv.gov>]
Sent: Wednesday, January 18, 2017 9:58 AM
To: Santosh Lakhan <santosh.lakhan@envcomcorp.com>
Cc: Kessler, Joseph R <Joseph.R.Kessler@wv.gov>
Subject: R13-3353 Permit Application Status

**RE: Application Status: Complete
ECC Windsor Inc
Bailey Mine Gas Flaring Project
Permit Application: R13-3353
Plant ID No.: 051-00238**

Mr. Lakhan,

Your application for a construction permit was received by the Division of Air Quality (DAQ) on December 19, 2016 and assigned to the writer for review. Upon an initial review, the application has been deemed complete as of the date of this e-mail. The ninety (90) day statutory time frame began on that day.

This determination of completeness shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit determination.

Should you have any questions, please contact me at (304) 926-0499 ext. 1219 or reply to this email.

Thank You,

Joe Kessler, PE
Engineer
West Virginia Division of Air Quality
601-57th St., SE
Charleston, WV 25304
Phone: (304) 926-0499 x1219
Fax: (304) 926-0478

Joseph.r.kessler@wv.gov

Kessler, Joseph R

From: Kessler, Joseph R
Sent: Wednesday, January 18, 2017 9:58 AM
To: Santosh Lakhan
Cc: Kessler, Joseph R
Subject: R13-3353 Permit Application Status

RE: Application Status: Complete
ECC Windsor Inc
Bailey Mine Gas Flaring Project
Permit Application: R13-3353
Plant ID No.: 051-00238

Mr. Lakhan,

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Should you have any questions, please contact me at (304) 926-0499 ext. 1219 or reply to this email.

Thank You,

Joe Kessler, PE
Engineer
West Virginia Division of Air Quality
601-57th St., SE
Charleston, WV 25304
Phone: (304) 926-0499 x1219
Fax: (304) 926-0478
Joseph.r.kessler@wv.gov

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UC Defaulted Accounts Search Results

Sorry, no records matching your criteria were found.

FEIN:

Business name:

ECC WINDSOR INC

Doing business as/Trading as:

Please use your browsers back button to try again.

WorkforceWV	Unemployment Compensation	Offices of the Insurance Commissioner
-----------------------------	-----------------------------------------------	-----------------------------------------------------------

UC Defaulted Accounts Search Results

Sorry, no records matching your criteria were found.

FEIN: 471616849

Business name:

Doing business as/Trading as:

Please use your browsers back button to try again.

WorkforceWV	Unemployment Compensation	Offices of the Insurance Commissioner
-----------------------------	-----------------------------------------------	-----------------------------------------------------------

Kessler, Joseph R

From: Null, Gregory L
Sent: Thursday, December 22, 2016 2:06 PM
To: Kessler, Joseph R
Subject: Environmental Commodities Corporation (Cameron) /Permit Application Fee

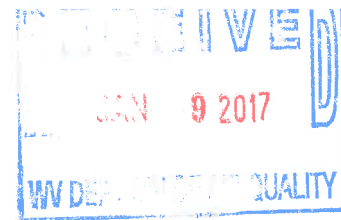
This is the receipt for payment received from

Environmental Commodities Corporation, check number 135, dated December 15, 2016, \$1,000
ECC Windsor Inc, Cameron, R13-3353, id 051-00238

OASIS Deposit CR 1700068092, December 22, 2016



ENVIRONMENTAL COMMODITIES CORP.



Santosh Lakhan
Environmental Commodities Corporation
3305 Decatur Avenue
Kensington, MD 20895

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January 6, 2017

Mr. Joe Kessler
West Virginia Department of Environmental Protection
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304

Public Notice Affidavits for Air Permit application for 19H-2 site on the Bailey Mine in Marshall County, WV

Dear Mr. Kessler,

I am enclosing the original affidavits for the public notices placed on December 9, 2016 in the Wheeling News Register and the Intelligencer newspapers. These notices were in support of our application for a permit to construct a mobile waste mine flare at the 19H-2 gob vent borehole site located at Burley Hill Road in Cameron, West Virginia.

If you have any questions regarding the public notices or the application in general, please do not hesitate to contact us.

Yours sincerely,

Santosh Lakhan
202-701-8286
Santosh.Lakhan@EnvComCorp.com

I.D. No. OSI-00238 Reg. 3353
Company ECCO
Facility BABLEY Region
Initials SL

STATE OF WEST VIRGINIA,
COUNTY OF OHIO

I Sharon Sedlowdi for the publisher
of the *Intelligencer* newspaper published in the CITY OF
WHEELING, STATE OF WEST VIRGINIA, hereby
certify that the annexed publication was inserted in said
newspaper on the following dates:

Dec. 9, 2016

Given under my hand this 15th
day of Dec., 2016

Sworn to and subscribed before me this 2nd
day of December, 2016 at WHEELING,
OHIO COUNTY, WEST VIRGINIA

Michelle Higgins
Notary Public

of, in and for OHIO COUNTY, WEST VIRGINIA.

My Commission expires Aug 11, 2020

AIR QUALITY PERMIT
NOTICE

Notice of Application
Notice is given that, ECC
Windsor Inc. has applied
to the West Virginia
Department of Environ-
mental Protection, Divi-
sion of Air Quality, for a
Construction Permit for a
Waste Mine Methane En-
closed Flaring System lo-
cated at the Bailey Mine
gob vent borehole loca-
tion on Burley Hill Road,
Cameron, in Marshall
County, West Virginia.
The latitude and longitude
coordinates are:
39.864663, -80.538571.

The proposed plant is a
voluntary installation of a
pollution control device
aimed at reducing green-
house gas emissions.
Waste mine methane em-
issions from the Bailey
Mine will be destroyed in
a fully enclosed stack flare
so that flame will not be
visible. The applicant esti-
mates the increased po-
tential to discharge the fol-
lowing Regulated Air Pol-
lutants will be: CO at less
than 16.0 tons/year, CO2
at less than 8,955.0
tons/year and NOx at less
than 12.0 tons/year.

Startup of operation is
planned to begin on or
about the 10th day of
April, 2016. Written com-
ments will be received by
the West Virginia Depart-
ment of Environmental
Protection, Division of Air
Quality, 601 57th Street,
SE, Charleston, WV
25304, for at least 30
calendar days from the
date of publication of this
notice.

Any questions regarding
this permit application
should be directed to the
DAQ at (304) 926-0499,
extension 1227, during
normal business hours.

Dated this the 2nd day of
December, 2016.

By: ECC Windsor Inc.
Santosh Lakhani
President
3305 Decatur Avenue
Kensington, MD 20895
Int. Dec. 9, 2016
N.R. Dec. 9, 2016



**AIR QUALITY PERMIT
NOTICE**

Notice of Application
Notice is given that ECC Windsor Inc. has applied to the West Virginia Department of Environmental Protection, Division of Air Quality, for a Construction Permit for a Waste Mine Methane Enclosed Flaring System located at the Bailey Mine gob vent borehole location on Burley Hill Road, Cameron, in Marshall County, West Virginia. The latitude and longitude coordinates are: 39.864663, -80.538571.

The proposed plant is a voluntary installation of a pollution control device aimed at reducing greenhouse gas emissions. Waste mine methane emissions from the Bailey Mine will be destroyed in a fully enclosed stack flare so that flame will not be visible. The applicant estimates the increased potential to discharge the following Regulated Air Pollutants will be: CO at less than 16.0 tons/year, CO₂ at less than 8,955.0 tons/year and NO_x at less than 12.0 tons/year.

Startup of operation is planned to begin on or about the 10th day of April, 2016. Written comments will be received by the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304, for at least 30 calendar days from the date of publication of this notice.

Any questions regarding this permit application should be directed to the DAQ at (304) 926-0499, extension 1227, during normal business hours.

Dated this the 2nd day of December, 2016.

By: ECC Windsor Inc.
Santosh Lakhan
President
3305 Decatur Avenue
Kensington, MD 20895
Int. Dec. 9, 2016
N.R. Dec. 9, 2016

STATE OF WEST VIRGINIA,
COUNTY OF OHIO.

I Sharon Sudlow for the publisher
of the Wheeling News Register newspaper published in the
CITY OF WHEELING, STATE OF WEST VIRGINIA, hereby
certify that the annexed publication was inserted in said
newspaper on the following dates:

Dec. 9, 2016

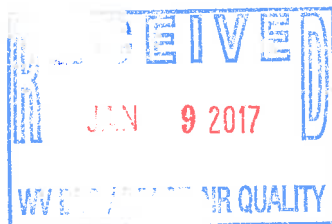
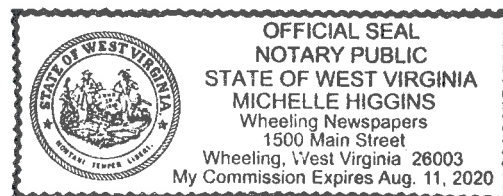
Given under my hand this 15th
day of Dec., 2016

Sworn to and subscribed before me this 22nd
day of December, 2016 at WHEELING,
OHIO COUNTY, WEST VIRGINIA

Michelle Higgins
Notary Public

of, in and for OHIO COUNTY, WEST VIRGINIA.

My Commission expires Aug. 11, 2020



Adkins, Sandra K

From: Adkins, Sandra K
Sent: Tuesday, December 20, 2016 5:18 PM
To: 'santosh.lakhan@envcomcorp.com'
Cc: McKeone, Beverly D; Kessler, Joseph R
Subject: WV DAQ Permit Application Status for ECC Windsor Inc; Cameron

**RE: Application Status
ECC Windsor Inc
Cameron
Facility ID No. 051-00238
Application No. R13-3353**

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Mr. Lakhan,

Your application for a construction permit for the Cameron location (Bailey Mine Gas Flaring Project) was received by this Division on December 19, 2016, and was assigned to Joe Kessler. The following item was not included in the initial application submittal:

Original affidavit for Class I legal advertisement not submitted.

Please use telephone extension 1250 in legal advertisements

This item is necessary for the assigned permit writer to continue the 30-day completeness review.

Within 30 days, you should receive a letter from Joe stating the status of the permit application and, if complete, given an estimated time frame for the agency's final action on the permit.

Any determination of completeness shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit decision.

Should you have any questions, please contact the assigned engineer, Joe Kessler, at 304-926-0499, extension 1219.